



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Weiner  
Serial No.: 10/678,316  
Filing Date: October 2, 2003  
Title: Imbedded Vinyl Flooring Product

Examiner: Ruddock  
Group A.U.: 1771

Mail Stop - Fee - Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

*OK to enter  
6-25-06  
Wep*

**RESPONSE TO FINAL OFFICE ACTION and NOTICE OF APPEAL**

Dear Sir:

The applicant received the Final Office Action dated December 8, 2005. The applicant attempted to explain with the last response that an element was not considered in the non-final Office Action. In the Final Office Action, the rejections of the First Office Action were reiterated verbatim and the applicant's explanation was found unpersuasive. At least one element of the claimed structure was not identified in the cited references in the Final Office Action or discussed in the explanation. Specifically the bottom layer is required to form a non-porous sheet below the top layer. The Office Action discusses coating the fibers in Slosberg in a non-porous fashion, but this coating is not a sheet which is what is claimed by the applicant. It is the creation of the non-porous sheet which is not taught or suggested by Slosberg which was not considered.

Extremely similar limitations were provided in other applications in the string of title with this application, namely, the applications which later became U.S. Patent Nos. 6,696,004 and 6,903,033.

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